

# **BOARD OF DESIGN REVIEW MINUTES**

**February 24, 2000**

**CALL TO ORDER:** Chairman David Williams called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

**ROLL CALL:** Present were Chairman David Williams; Board Members Walter Lemon III, Monty Edberg, Anissa Crane, Renee Cannon and Hal Beighley. Board Member Stewart Straus was excused.

Associate Planner Tyler Ryerson and Recording Secretary Sandra Pearson represented staff.

## **VISITORS:**

Chairman Williams read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There were none.

## **OLD BUSINESS:**

Chairman Williams opened the Public Hearing and read the format for the meeting. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

Chairman Williams noted that he had submitted drawings to the applicant on a separate project, adding that this will not affect his decision on this issue.

## **CONTINUANCE:**

### **A. BDR 99-00190 – JACK IN THE BOX RESTAURANT**

(continued from January 13, 2000)

Request for Design Review approval for a proposed restaurant on 15915 SW Regatta Lane. The applicant proposes an approximately 2,870 square foot, 68

seat, dine-in, drive-up restaurant within an Office Commercial District. The site is within the Office Commercial (OC) zone, and is 1.15 acres in size. Map 1S1-15BA, Tax Lot 1401.

Associate Planner Tyler Ryerson presented the Staff Report and explained the application and request for an approximately 2,870 square foot dine-in, drive-up restaurant and associated parking and landscaping. He noted that there had been previous approval on their lot line adjustment (LLA 99-00007) and that the Planning Commission had approved CUP 99-00025 on February 16, 2000. He noted that the Planning Commission had provided no special recommendations or conditions to the Board of Design Review, although they had made a recommendation to the City Traffic Engineer and Traffic Commission. He submitted a materials board relating to the project review, noting that the Staff Report is actually dated January 13, 2000 because that was the original date set for Public Hearing before it had been continued, as well as a Memorandum dated February 24, 2000. He noted that the Planning Commission's original Public Hearing had been continued from January 5, 2000 until February 16, 2000, at which time the Conditional Use Permit had been approved. He stated that the Memorandum indicates changes made by the applicant since the initial submittal of the application. He discussed several concerns of the Planning Commission, including the traffic analysis, parking on Regatta Lane and a market analysis, adding that these concerns had been resolved. He mentioned amendments that had been made to the original request and outlined in the Memorandum, specifically: 1) an additional canopy to the east side of the proposed structure to serve as an addition to the building, bringing it closer to the street front while screening the drive-through lane on the eastern side of the building; 2) a 36-inch garden wall that extends approximately 90 feet; 3) changes to the 2-space required waiting-for-grill space from two spaces to one located near SW Walker Road and one closer to the building to allow for additional landscaping at the SW Walker Road and 158<sup>th</sup> Avenue intersection; and 4) additional pedestrian amenities, including bollards at the walkways coming from SW Walker Road and 158<sup>th</sup> Avenue intersection and pedestrian access south of the building from 158<sup>th</sup> Avenue. He noted that the staff had been concerned with headlight glare into the right-of-way, reporting that the applicant had resolved this problem with the addition of Waxleaf Privet along the corners of the access way of the drive-through. Based upon the facts and findings presented in the Staff Report, he concluded that staff recommends approval of BDR 99-00190 – Jack in the Box Restaurant on Regatta Lane, subject to the conditions on page 11 of the Staff Report.

Observing that she lives near the proposed site, Ms. Cannon questioned whether the drive-up access to Jack in the Box Restaurant would be achieved in a manner similar to the access currently at McDonald's Restaurant.

Mr. Ryerson described the proposed drive-up access, which would head east from the cul de sac, along the south property line to southeastern most portion and along the east property line and back around the building.

Ms. Cannon questioned pedestrian access off of 158<sup>th</sup> Avenue.

Mr. Ryerson reported that this access, in the form of a walkway, extends from 158<sup>th</sup> Avenue to the south of the building with a direct path to Regatta Lane, with additional pedestrian access that is ADA accessible at the intersection side of the facility.

Ms. Cannon questioned if the ADA access is already in place.

Mr. Ryerson informed her that the ADA access is not currently in place, that no existing access ways exist on that parcel at this time. He observed that a sidewalk is located to the south of the property.

Chairman Williams asked Mr. Ryerson if this particular parcel is the last parcel in that area.

Mr. Ryerson informed him that three other undeveloped parcels remain in this area, Lots 2 and 3, adding that Lot 3 is located at the very corner of 158<sup>th</sup> Avenue and Walker Road and Lot 2 is located to the west between the lot and McDonald's Restaurant. He noted that the third parcel exists to the east of Best Teriyaki Restaurant.

Mr. Lemon discussed the access plan, specifically access to IHOP.

Mr. Ryerson noted that there is a required cross-over access easement to the abutting parcel, adding that since that time, IHOP has submitted an application that has not yet been deemed complete and come before the Board. He explained that the note on this plan indicates IHOP, but that if IHOP does not receive approval, it would be to that parcel, rather than IHOP.

Mr. Lemon requested that the applicant explain how that access is going to work.

Mr. Ryerson explained that this would provide easier access between the two parcels as well as allowing for a second access point through Lot 2 once it develops.

Mr. Lemon questioned whether this is an exit only access.

Noting that it is at least 24 feet in width, Mr. Ryerson stated that he believes this is a two-way access.

Mr. Lemon confirmed that it is two-way, coming in and out of the property.

**APPLICANT:**

**KELLY EDWARDS**, 1010 NW Flanders, Suite 204, Portland, OR 97209, representing Scott Edwards Architecture, architect for the project, and **CHARLIE PATTON**, 4500 SW Kruse Way, Lake Oswego, OR 97035, Manager for Jack in the Box Restaurants, representing Foodmaker, Inc., the applicant, appeared in favor of approval of BDR 99-00190 (Jack in the Box Restaurant on Regatta Lane).

Mr. Edwards noted that they are proposing a one-story quick-serve restaurant with a seating capacity of 68 and a drive-through lane. He provided an illustration of the site plan of the proposal, describing the triangular pie-shaped lot with access off of Regatta Lane and is bounded on two sides by two major thoroughfares, SW Walker Road and 158<sup>th</sup> Avenue. He noted that a major concern with any drive-through is the site planning and orientation of the drive-through, as well as compatibility with both vehicular and pedestrian traffic. He observed that they are allowed access only off Regatta Lane. He mentioned that this particular site has quite a few easement restrictions, which are noted in the packet, including a required 20-foot setback along both Walker Road and 158<sup>th</sup> Avenue, a 15-foot vision clearance easement along both streets and a utility easement along both streets. He observed that a large guy wire from a high-tension line that can not be moved also exists along the easement, creating a barrier in the planning of the building. He noted that the drive-through lane is located across the wide portion of the pie-shaped side, allowing access off the cul de sac and creating a nice cluster of parking in the middle that is shielded from the major thoroughfares. This allows circular traffic throughout the site, which is an asset, and the drive-through lane provides for eight or nine car stacking in this location which provides good exposure for this business. He mentioned the considerable amount of landscaping on the site -- a 36% ratio of landscaping, as opposed to the 15% requirement, partially due to the easement and setback requirements. He described the one story building with two main public entrances, adding that the dining area is located as close to the corner as possible in an attempt to relate as well as possible to the public. There are two pedestrian access points off of Walker Road and 158<sup>th</sup> Avenue, as well as a continuous pedestrian access point from Regatta Lane. He mentioned that a crossover access is required, mentioning the possibility that it may be IHOP. Noting that a large concern of any drive-through is pedestrian circulation and relations with the public, he pointed out that they had made every attempt to integrate this drive-through lane. He mentioned that it is in a good location for site circulation on this odd-shaped site, adding that it functions very well, keeping the pedestrian circulation from the primary vehicular access and provides good access from the street. He assured the Board that they are attempting to create an edge to the drive-through lane that will be very pedestrian-friendly. He mentioned a handicap-accessible sidewalk, noting that it is a slope, rather than a ramp, and has no handrails. He discussed the low garden wall and the extension of the fascia element of the building, adding that the result is that the drive-through lane is, in effect, enclosed. He mentioned that

this is comprised of identical stucco material with a colonnade that extends along a portion of it, noting that it will bring out the element of the façade closer to the street as well as shield the vehicles. He provided samples of the materials for the stucco building, which will be light colored with black and red accents and offered to respond to any questions.

Chairman Williams mentioned the little triangular piece with the shared access drive, asking if it had been split off from the applicant's parcel.

Mr. Edwards responded that it had been the result of the Lot Line Adjustment, adding that it had been absorbed into Lot 2.

Mr. Lemon mentioned Condition No. 21, requiring that the Waxleaf Privet hedge along the drive-through shall be sheared at no less than four feet in height, noting that and at least a four-foot height will need to be maintained to shield against the headlights.

**MICHAEL ODREN**, 1020 SW Taylor, #355, Portland, OR 97205, representing Chris Freshley Landscape Architects, appeared in support of the application. He stated that it had been specified that the Waxleaf Privet hedge go in at four feet, planted very close together at 2-1/2 feet, forming an immediate screen. On question, he informed Mr. Lemon that the standard requires four feet from the finished grade to the top of the plant.

Ms. Cannon questioned clarification of whether she is correct in her assessment that both pedestrian accesses cross the driveway.

Mr. Edwards agreed that although both pedestrian crossings intersect with the driveway, the garden wall is interrupted at both these locations and there will be a pretty substantial clearance on each side, which is a detail element to indicate a traffic area. He noted that this also serves to inform drivers that a crosswalk exists in this particular area, adding that the pavement is differentiated as well.

Ms. Cannon questioned volume from the drive-through as opposed to people coming inside.

Mr. Edwards mentioned the seating capacity of 68.

Observing that it varies by site, Mr. Patton noting that the drive-through lane will generate approximately 50% to 65% of the business.

Ms. Cannon questioned whether their study had taken into consideration the Tualatin Park Recreation Center across the street, noting that it attracts large numbers of people for swimming, soccer and other events. She emphasized that that most of these people range in age from 10 years to 17 years.

Mr. Edwards informed Ms. Cannon that the applicant is aware of this recreation center and while he agrees that there is a great deal of pedestrian traffic, he noted to her that this had been discussed at length with the Planning Commission. He assured her that they had taken into consideration the McDonald's Restaurant that already exists in the area and that no problem is anticipated.

Ms. Cannon expressed her concern with pedestrians and automobiles sharing the same space, particularly small children who just don't pay attention and have little respect for bollards and different colored concrete.

Mr. Edwards agreed, adding that this situation also exists in the parking lot and in the street.

Ms. Cannon repeated her concern with pedestrian safety issues, expressing her opinion that while pedestrians may be aware of traffic in a parking lot, they tend to feel more secure on an actual sidewalk.

Mr. Edwards explained organization of the crosswalks and the driveways, emphasizing that the traffic is basically stopped at this point, adding that there is a very broad view for a person leaving the site.

Mr. Lemon questioned requirements regarding signage to indicate that pedestrians are crossing. He noted that while drivers may not be speeding at this point, they will, however, be accelerating to exit the site. He mentioned concern with unsupervised children and motorized handicapped vehicles, as well as drivers who may be distracted by their food, children or change they had received.

Mr. Ryerson clarified that the Waxleaf Privet does not extend all the way to the pedestrian walkway, adding that signage for pedestrian access may be a good solution for the safety concerns.

Mr. Edwards agreed that signage for pedestrian access is a very good suggestion and discussed the possibility of utilizing pictographs for this purpose. He described their plans for addressing the bypass lane requirement, specifically a 12-foot paved lane (their standard for their drive-through) and a concrete roll curb and sod with the heavy base underneath, around the radius. A person at the crosswalk is actually four feet clear of the vegetation on the drive-through lane side, allowing ample time to pause and observe the situation.

Chairman Williams noted that the sidewalk is located to allow pedestrians the opportunity to view traffic before crossing.

Mr. Patton discussed concern with pedestrian crossing, noting that the drive-through lane is unobstructed, highly visible and very easy to focus on, emphasizing that the cars will be moving very slowly at this location.

Mr. Edwards mentioned that stores that have a drive-through lane oriented inboard contiguous with the parking has created a much more difficult situation.

Mr. Patton noted that internal drive-through lanes are present in some of their locations, pointing out that this causes a situation in which every single customer that enters the store is required to cross the drive-through lane. He stated that locating the drive-through on the outside helps the traffic circulation of the site in general. He noted that he had not observed as much foot traffic as would be found in a more urban setting, such as some of the Portland neighborhoods.

Chairman Williams asked staff if there were any other questions or comments. Being none, he closed the public portion of the Public Hearing.

Mr. Lemon mentioned that he had utilized the Jack in the Box drive-through on Columbia Boulevard today and described the situation where anyone entering the facility has to cross the drive-through. He urged that some sort of a caution sign be installed, particularly on the northern side of the site, to alert drivers to watch for pedestrians and discussed situations in which patrons leaving the establishment might be sidetracked into not paying adequate attention.

Ms. Cannon mentioned that the sidewalk on the southern side is the location that causes her concern, particularly with the number of children utilizing the area, adding that she is concerned that both locations should be clearly marked so that drivers and pedestrians recognize the situation.

Mr. Lemon questioned whether the family zone has an access to that street.

Mr. Patton mentioned that there is an access to Regatta Lane, as well as to 158<sup>th</sup> Avenue, at an angle from the northern portion of the site down to the southern portion of their lot, in the opposite direction of the proposed Jack in the Box Restaurant location. He noted that a pedestrian access between those two lots might be a solution to this particular issue.

Noting that she does not disapprove of this application and that she is aware of the efforts made by the applicant, Ms. Cannon repeated her concern with children.

Mr. Edberg mentioned a sinuous-type ramp located on the northeast corner of the site, suggesting that some sort of texture should be added to any such slope.

Ms. Crane requested clarification of where this ramp is located.

Mr. Edwards pointed out where the ramp is located, referring to it as a potential slalom course for skateboards.

Ms. Crane agreed that this might end up being the case.

Mr. Patton observed that the slope is not that steep, adding that the applicant may be able to make some improvements to this area.

Mr. Lemon MOVED and Ms Cannon SECONDED a motion for approval of BDR 99-00190 – Jack in the Box Restaurant on Regatta Lane, including Conditions No. 1 through 21 and adding Condition No. 22, as follows: “An international pedestrian crossing warning sign shall be placed facing vehicles at least twenty feet south of the north pedestrian crosswalk and a second sign attached to the proposed site light pole south of the south crosswalk.”

Motion CARRIED unanimously.

### **APPROVAL OF MINUTES:**

The minutes of December 16, 1999, as written, were submitted. Chairman Williams asked if there were any changes or corrections. Mr. Beighley MOVED and Ms Cannon SECONDED a motion that the minutes be adopted as written and submitted.

The question was called and the motion CARRIED unanimously, with the exception of Mr. Lemon, who abstained from voting on this issue.

The minutes of January 13, 2000, as written, were submitted. Chairman Williams asked if there were any changes or corrections. Mr. Lemon MOVED and Ms, Crane SECONDED a motion that the minutes be adopted as written and submitted.

The question was called and the motion CARRIED unanimously, with the exception of Ms. Cannon and Mr. Beighley, who abstained from voting on this issue.

The minutes of January 27, 2000, as written, were submitted. Chairman Williams asked if there were any changes or corrections. Mr. Lemon MOVED and Mr. Edberg SECONDED a motion that the minutes be adopted as written and submitted.

The question was called and the motion CARRIED unanimously.

### **MISCELLANEOUS BUSINESS:**

The meeting adjourned at 7:26 p.m.